(iv) Notification No. HD 97 TMTM 65, dated 7th September 1966 (Reduction of Tax payable),

(v) Notification No. HD 123 TMT 64, dated 26th September 1966 (Reduction of Tax payable),

(vi) Notification No. HD 75 TMT 66, dated 27th September 1966 (Reduction of Tax payable),

(vii) Notification No. HD 5 TMT 66, dated 27th September 1966 (Reduction of Tax payable),

as required under sub-section (3) of section 16 of the Mysore Motor Vehicles Taxation Act, 1957.

(*b*) The Accounts and Audit Report of the Mysore State Road Transport Corporation for the year 1962-63,

as required under section 35 (3) of the Road Transport Corporation Act, 1950.

MR. SPEAKER.—The Notifications and the Audit Report of the Mysore State Road Transport Corporation are laid.

FORTY-SECOND REPORT OF THE BUSINESS ADVISORY COMMITTEE.

Presentation.

MR. SPEAKER.—I present the 42nd Report of the Business Advisory Committee.

MYSORE STATE CIVIL SERVICES (PREVENTION OF STRIKES) BILL, 1966.

Introduction.

SRI M. V. KRISHNAPPA (Minister for Revenue).—On behalf of Sri S. Nijalingappa (Chief Minister), I beg to introduce the Mysore Civil Services (Prevention of Strikes) Bill,.....

SRI K. H. RANGANATH (Mudigere).—I raise a point of order, Sir.

MR. SPEAKER.—What is that?

SRI K. H. RANGANATH.—I draw the attention to Rule No. 70 and specifically to Rule 71. This Bill, Sir, touches the fundamental rights guaranteed under Article 19 of the Constitution. We are prevented from making any law. If we turn to State list it is evident that we are not empowered under that list to make or to pass any such law. I therefore oppose the introduction of this Bill under Rule 71 as we have no powers. The House has no competence to pass this.

Mr. SPEAKER.—The Hon'ble Member will kindly remember, it is the House that can deal with the merits or otherwise apart from other considerations, after it is introduced. Fundamental law, fundamental right, and fundamental rule do not come in the way so far as the introduction of this is concerned.

2-30 P.M.

Sri K. H. RANGANATH.—I may kindly be permitted to read rule 71 :

"If a motion for leave to introduce a Bill is opposed, the Speaker, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may, without further debate, put the question :

"Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the Assembly, the Speaker may permit a full discussion thereon."

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ಸ್ವಾಮಿ, ತಾವು ಹೇಳಿದಿರಿ, ಈ ಬಿಲ್ ಇಂಟ್ರಡ್ಯೂಸ್ ಮಾಡುವುದಕ್ಕೆ ಏನು ತೊಂದರೆ ಎಂದು ಹೇಳಿಬಿಟ್ಟಿರಿ? ನಾಳೆ ಕಾನ್‌ಸ್ಟಿಟ್ಯೂಷನ್ ಅಮೆಂಡ್ ಮಾಡುವುದಕ್ಕೆ ನಾನು ಒಂದು ಬಿಲ್ ಇಂಟ್ರಡ್ಯೂಸ್ ಮಾಡುತ್ತೇನೆ. ತಾವು ಅದನ್ನು ಇಂಟ್ರಡ್ಯೂಸ್ ಮಾಡಲು ಬಿಡುವುದಕ್ಕೆ ಆಗುತ್ತದೆಯೇ? ತಾವು ನೋಡಬೇಕೇ ಬೇಡವೇ! ಮಾನ್ಯ ಸದಸ್ಯರು ಹೇಳಿದ ಹಾಗೆ ಸರ್ಕಾರಿ ನೌಕರರು ಮಾತ್ರವಲ್ಲ ನನ್ನಂಥವರು ಯಾರಾದರೂ ಬಹಿರಂಗ ಸಭೆಯಲ್ಲಿ ಮುಷ್ಕರ ಮಾಡಿ ಎಂದು ಹೇಳಿದರೂ ನನಗೆ ಶಿಕ್ಷೆ ಆಗುತ್ತದೆ. ಮಾಜಿ ಗೃಹಮಂತ್ರಿಗಳು ಹೇಳುತ್ತಾರೆ, ಅದು ಸರಿ ಎಂದು. ಅದು ಸಾಧ್ಯವಿಲ್ಲದ ಮಾತು. ಇಂತಹ ಮನೂದೆಯನ್ನು ಸಭೆಯ ಮುಂದೆ ಮಂಡಿಸುವುದಕ್ಕೆ ನಾವು ಅವಕಾಶ ಕೊಡಲು ಸಾಧ್ಯವಿಲ್ಲ.

Mr. SPEAKER.—If a motion for leave to introduce a Bill is opposed, the Speaker, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion may, without further debate, put the question. Even under the proviso, the Speaker may permit a full discussion thereon. Therefore, simply because one member says that it is fundamentally wrong or fundamentally right, I am not going to be convinced. I must be convinced that it is beyond the competence of the House.

Sri G. V. GOWDA.—The Hon'ble Speaker must allow a full discussion on the objection taken. If he over-rules that the Bill can be introduced, then it is all-right.

Mr. SPEAKER.—Is it 'may' or 'must'?

Sri G. V. GOWDA.—When objection is taken, we expect the Speaker to allow full discussion on the objection. Normally these objections will not be taken unless there is a prima facie case. So many Bills are introduced, discussed and passed. Really one or two Bills might have been objected to for their introduction. Therefore, we expect the Speaker to permit full discussion on the objection taken and ruling given thereon.

MR. SPEAKER.—Sri K. H. Ranganath has raised an objection. I am prepared to permit one or two members to speak and not everybody. If we expect a full-dressed debate permitting everybody, I do not think I will be able to find time. I do not want to shut out debate. But I want that repetition should be avoided. I have no objection for one or two members to gather all the points or divide the points between the two and try to close. But if the members think that a full debate as on any other motion is to be allowed, I do not think the word 'may' should be there. It should be 'must'.

SRI G. V. GOWDA.—This particular matter may be taken up tomorrow, so that we may be in a position to convince the Speaker.

MR. SPEAKER.—One thing is certain that the Members are not in a position to convince me today. They should not extend it too far so as to consume time without any reason.

SRI V. M. DEO (Gubbi).—You may be aware that the scope of the ordinance is that any police officer can arrest anybody; whether he be a legislator or a citizen, if he talks to the N.G.O.'s, he can be arrested. This is a thing which cannot be laughed at.

MR. SPEAKER.—I am prepared to pull up everybody and anybody who laughs at it.

SRI S. SIVAPPA.—The Hon'ble Speaker has to allow a full-dressed debate on this because it is a very vital question.

MR. SPEAKER.—I am prepared to take it up an hour later. In the meantine the members speaking may kindly try to gather all the points. I have no objection. But it does not mean that everybody should go on talking. Sri V. M. Deo may discuss it with all the Members of the Opposition.

SRI V. M. DEO.—I know more than all including yourself. From that point of view, I want to bring to your notice one thing.**

MR. SPEAKER.—I wish everybody realises that Mr. Deo knows more than all the Members of the Opposition put together.

SRI V. M. DEO.—All the Members talked and only afterwards I placed before you one point. Anyway what you said is right because it has been proved now.

MR. SPEAKER.—I want to place one thing more before the House. The Supreme Court has refused to admit a writ which was tendered on the ground that this ordinance is invalid.

SRI G. V. GOWDA.—That was on a different ground. They have not discussed clauses 6,7 and 8 of the Bill on its merits. Government servants not having a right is one thing. But the public having a right is a different matter. My right cannot be curtailed as a non-official.

MR. SPEAKER.—As a very senior lawyer of the Bar, the Hon'ble Member wants me to say that the judges did not know all the points?

SRI G. V. GOWDA.—The Supreme Court has not gone into the merits of the Ordinance.

**Expunged as ordered by the Chair.

Mr. SPEAKER.—The hon'ble Member seems to be knowing more than anybody else. Does he mean to say that the advocates did not have those simple points before them and the judges did not know them?

Sri K. S. SURYANARAYANA RAO.—What the Speaker read out was writ petition filed by one of the N.G.O's. in Supreme Court. The issue raised by the N.G.O. was that his right is affected because it prevents him from taking leave for participation in strikes, etc. But the ordinance which is promulgated, is much wider in scope than what was canvassed in the Supreme Court. That is what we are trying to show.

Mr. SPEAKER.—The individual who was affected by the Ordinance went to the Supreme Court and presumably he has got the best of legal advice and the judges knowing the very best dealt with the matter did not come to the conclusion that this matter is invalid.

Sri K. S. SURYANARAYANA RAO (Mysore City).—I may proceed further and say that the Ordinance promulgated by the State Government of Mysore is much wider in scope than what was canvassed before the Supreme Court. Clauses 6, 7 and 8 do not restrict the liberty of N. G. O. only but somebody elses also. To that extent there is something to be said.

Sri G. V. GOWDA.—At least let this be taken up tomorrow, Sir.

Mr. SPEAKER.—To that extent we cannot question the Supreme Court.

Sri K. S. SURYANARAYANA RAO.—But clauses 6, 7 and 8 cover others' rights also.

Mr. SPEAKER.—As if the Supreme Court and the Judges of that Court in their supreme wisdom and the Lawyers in their supreme knowledge did not think of this elementary idea which the member is putting before the House! It did not strike them that this fundamental right was affected then! It was not put there, they did not say, it was *ultra vires* and beyond the power of the Mysore Government or the Governor to enact this or any portion of it.

Sri K. S. SURYANARAYANA RAO.—I am sorry I did not make myself clear to the Speaker. So I said, so far as the N.G.O's. rights are concerned, I am not questioning the ruling of the Supreme Court.

Mr. SPEAKER.—Nor could anybody else question it, much less on the floor of the House.

Sri K. S. SURYANARAYANA RAO.—We cannot do that. We cannot question the Supreme Court Ruling. We cannot question the competence of the State Government to issue an Ordinance to the extent of controlling the activities of the N. G. Os. But the Ordinance does not stop there. It proceeds further and implicates certain other sections of the people also along with N.G.Os. To that extent it touches the fundamental rights of persons other than those for whom the ordinance is intended and the fundamental rights of other persons are likely to be affected. This is a matter which we would like to canvass and convince the Speaker to show that this legislature is not competent to pass this legislation.

Mr. SPEAKER.—You say that a portion of the Bill or the Ordinance is *intra vires* and a portion of the Ordinance is *ultra vires*.

Sri K. S. SURYANARAYANA RAO.—Yes, Sir.

Mr. SPEAKER.—If the members can manage to finish soon and if only one or two speak on that, we can take it up an hour later.

Sri C. J. MUCKANNAPPA.—Sir, you say that a portion of it was *intra vires* and one portion was *ultra vires*.

Mr. SPEAKER.—I did not say that. His friends said that.

Sri C. J. MUCKANNAPPA.—The Ordinance is going to curtail the fundamental rights of many people other than the N.G.Os. and I am afraid the fundamental right of the Speaker also is involved here.

Mr. SPEAKER.—I am not going to be dragged into debate. Order, Order.

Sri C. J. MUCKANNAPPA.—I am not trying to drag the Speaker into discussion here, Sir. Suppose you are not the Speaker tomorrow and I as an N.G.O. and come and seek your advice on this matter and as legal adviser, you tender certain advice. It can be interpreted to mean that you have instigated these N.G.Os. and you are liable to be punished under this Bill. Such a drastic thing has not even been thought of under the Defence of India Rules. Where is the human right safeguarded at this rate? Where are our fundamental rights? Sir, to the best of our capacity, to the best of our experience, we will try to convince you tomorrow. Please give us 24 hours time.

Mr. SPEAKER.—The supposition made by the Hon'ble Member Sri Muckannappa is so hypothetical that I am not prepared to accept it. I am not going to give up politics. I am not going to become legal adviser and I am not going to tender advice which he has suggested. Evidently he has no better arguments and that is why he has resorted to this.

Sri C. J. MUCKANNAPPA.—I took it as an example, Sir. Even among Ministers there are many lawyers. There is my friend the ex-Home Minister, my friend Sri Ganji Veerappa, if they tender advice as lawyers, they may come into trouble.

ಶ್ರೀ ಎಚ್. ಗೋವಿಂದ ಗೌಡ.—ಸ್ವಾಮೀ, ಇದನ್ನು ನಾಳೆ ತೆಗೆದುಕೊಳ್ಳೋಣ. ಇಲ್ಲದಿದ್ದರೆ ಇದನ್ನು ಇಲ್ಲಿ ಚರ್ಚೆ ಮಾಡೋಣ. ಅನಂತರ ಇದು ಹೇಗೆ ಸರಿ ಅಥವಾ ತಪ್ಪು ಎನ್ನುವುದು ಗೊತ್ತಾಗುತ್ತದೆ.

Mr. SPEAKER.—I would appeal to all the Members. There is no use in simply going on arguing. After all, I am trying to accommodate them. But if they do not co-operate, then I will have to simply over-rule and say that it is not permitted. The Rule says :

"If a motion for leave to introduce a Bill is opposed."

How can the members oppose any motion before it is made? Mr. Ranganath is opposing in anticipation. There cannot be opposition in anticipation—it is printed, circulated and published.

ಶ್ರೀ ಎಸ್. ಗೋವಿಂದ ಗೌಡ.—ಅವರಿಪ್ಪೇನಿವೆ ಎನ್ನುವುದು ನಮಗೂ ಗೊತ್ತು.

Mr. SPEAKER.—The hon. Member is misapplying the Rule. Therefore, at this stage, Sri Ranganath is not competent to raise any point. After the motion is made, then if necessary, before it is put to the House it can be opposed.

The Hon'ble Minister may kindly introduce the Bill. Motion for leave to introduce must be before the House before it can be opposed.

Sri M. V. KRISHNAPPA.—Sir, I introduce the Mysore State Civil Services (Prevention of Strikes) Bill, 1966.

Mr. SPEAKER.—The Mysore State Civil Services (Prevention of Strikes) Bill, 1966 is introduced.

Sri K. H. RANGANATH.—I oppose the motion, Sir.

Mr. SPEAKER.—Further discussion will be at the time when it is taken up for consideration.

MERCARA MUNICIPALITIES (PERFORMANCE OF FUNCTIONS BY THE EX-PRESIDENT) BILL, 1966.

Introduction

Sri R. M. PATIL (Minister for Development Panchayati Raj and Municipal Administration).—Sir, I beg to introduce the Mercara Municipalities (Performance of Functions by the Ex-President) Bill, 1966.

Mr. SPEAKER.—The Mercara Municipalities (Performance of Functions by the Ex-President) Bill, 1966 is introduced.

MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS (MYSORE AMENDMENTS) BILL, 1966.

Introduction

Sri M. V. KRISHNAPPA (Minister for Revenue).—I beg to introduce the Madras Hindu Religious and Charitable Endowments (Mysore Amendment) Bill, 1966.

Mr. SPEAKER.—The Madras Hindu Religious and Charitable Endowments (Mysore Amendment) Bill, 1966, is introduced.

MYSORE LAND REFORMS (AMENDMENT) BILL, 1966.

Introduction.

Sri M. V. KRISHNAPPA (Minister for Revenue).—I beg to introduce the Mysore Land Reforms (Amendment) Bill, 1966.

Mr. SPEAKER.—The Bill is introduced.